

IN THE STATE OF MICHIGAN
COUNTY OF KENT:
17TH JUDICIAL CIRCUIT:
MICHIGAN COURT OF APPEALS;

https://archive.org/stream/171022Documents1151/17-1022_Documents%201-15-1_djvu.txt

MR. STACEY R. SMITH
855 KALAMAZOO AVE SE
GRAND RAPIDS, MICHIGAN 49507.

TO:

THE MICHIGAN COURT OF APPEALS
350 OTTAWA AVE NW.
GRAND RAPIDS, MICHIGAN 49503.

MCOA CASE NO.: 363148.
LOWER COURT CASE NO.: **22-02505-AS** MCR 3.302, 3.305, 3.306.

PLEASE CLICK ON THE LINK FOR THE ARCHIVED VERSION OF THE
SIXTH CIRCUIT COURT OF APPEALS ATTEMPT IN CASE NO.: **17-1022**
U.S.C.C.O.A.

VS. } **MOTION FOR RELIEF OF JUDGMENT.**
MCR 7.211 (C) (9).

THE STATE OF MICHIGAN AND THE COUNTY OF KENT:
350 OTTAWA AVE NW 300 MONROE AVE NW
GRAND RAPIDS, MI 49503. GRAND RAPIDS, MI 49503.
616-456-1167. 616-632-7590.

EVIDENCE FOR AN IN RE CONTEMPT PROCEEDING TO WHICH I WAS
DENIED BY THE HON.: MARK TRUSOCK P-38156.

Court Rule MCR 3.306 in regards to MCL 600.1701 (a) was justified in case No.: 20-00224-AS; Court Code: Superintending Control, which is the proper way to file an In Re Contempt Proceeding in regards to: Mandamus against a State Official. The Honorable ark A. Trusock P-38156, withheld 2 Order's to Show Cause when filing and Trusock never allowed the Order's in which were filed. Renee Pegg, Trusock's Legal Assistant Confirmed that he would not issue them. Mind you also, the actual Court record and transcript are the evidence in Case No.: 22-02505-AS. This is also up against the intentional mis-interpretation of the jurisdiction upon all of my filings as the Honorable Trusock clearly stated in his Order: The Plaintiff In Re's, relief is a Motion for Relief of Judgement, to which has been filed multiple times and, however, purposely and intentionally by the courts and judges under a "Breach of the 17TH Judicial Circuit Court Sentencing Plea Agreement". This is also while the late Thomas Dempsey - Corporate Counsel at the time in U.S. District Court Case number 1:16-CV-1381 to where the Honorable Paul Lewis Maloney P-25194 in adopting the Honorable Ray Kent's report and Recommendation state that:

In light of this, though the Federal Judge handed down a dismissal to the Federal case because he states that the remedy I seek is not under Federal jurisdiction when 28 U.S.C. 1361 states that it does, the Honorable Paul L. Maloney does state in his adoption, **"IN PART"** to the Report and Recommendation by Magistrate Judge Ray Kent P-44156, that **"The Court concludes that Smith has stated a claim over which this Court has subject-matter jurisdiction" (ECF No. 13) Opinion of The Honorable Paul L. Maloney P-25194.**

Which would mean that pursuant to 28 § U.S.C. 1367 gives the Federal Courts (Pre-dominated Subject Matter Jurisdiction in any case in the nature of Mandamus and understanding the change of the Michigan Court Rules Mandamus relief falls under MCR 3.302 - As 17TH Judicial Court Code as: Superintending Control to Which I attempt also to Transfer the Subject - Matter Jurisdiction from the U.S. Sixth Circuit Court of Appeals in case No.: U.S.C.C.O.A.: 21-2775 from 20-1716 out of U.S.C.C.O.A. 17-1022; which would be three attempts in the U.S. Federal Court of Appeals who by the clear indicate were I may "launch my collateral attacks which would be the State of Michigan under MCL 600-1701 (a). for Breach of the 17TH Judicial Circuit Court Sentencing Plea Agreement for - (NON PUBLIC S.O.R.A REGISTRATION) PER THE COURT ORDER THAT you, Hon.: George S. Buth, and Defense Counsel John Beason P-34095 which is clearly indicated in the court transcript provided, yet all the why up to The honorable Bridget Mc Cormack P-58387 purposely ignored as I submitted pleadings and appeals all the way to her Supreme and Honorable Court yet ignored the continuous infringement the Chris Becker design so that I even have trouble with a simple job to live yet alone own my

own home which i lost through all of this and may never be able to find or have the ability to live on my own or anywhere else as my own mother is becoming of age and then I will have no place to go except on the streets as I have tried my hard to try to just live as I am in tear right now about this.

Now, with 28 § U.S.C. 1367 which is Pre-Dominated Subject Matter jurisdiction along with U.S.C.C.O.A's instructions to launch my collateral attacks on my State Court Conviction that it somehow can't become understood by Professional Judicial Officers such as Chris Becker and Bridget Mc Cormack that the attempt to transfer it back to the Circuit Court under Criminal Jurisdiction when it could have been resolved and remedied in the Michigan Supreme Court under M.C.O.A.: 352572 under Exceptional Issuance under the courts miscellaneous orders pursuant to Rule 7.215 - Opinions, Orders, Judgments, and Final Process for Court of Appeals : MCR 7.215 as follows:

(F) Execution and Enforcement.

(1) Routine Issuance. Unless otherwise ordered by the Court of Appeals or the Supreme Court or as otherwise provided by these rules, **(a)** the Court of Appeals judgment is effective after the expiration of the time for filing an application for leave to appeal to the Supreme Court, or, if such an application is filed, after the disposition of the case by the Supreme Court; **(b)** execution on the Court of Appeals judgment is to be obtained or enforcement proceedings had in the trial court or tribunal after the record has been returned (by the clerk under MCR 7.210 [H] or by the Supreme Court clerk under MCR 7.310 [B]) with a certified copy of the court's judgment or, if a record was not transmitted to the Court of Appeals, after the time specified for return of the record had it been transmitted. **(2) Exceptional Issuance.** The court may order that a judgment described in subrule (E) has immediate effect. The order does not prevent the filing of a motion for rehearing, but the filing of the motion does not stay execution or enforcement.

Rule 7.215 - Opinions, Orders, Judgments, and Final Process for Court of Appeals, Mich. Ct. R. 7.215

(E) Judgment.

(1) When the Court of Appeals disposes of an original action or an appeal, whether taken as of right, by leave granted, or by order in lieu of leave being granted, its opinion or

order is its judgment. An order denying leave to appeal is not deemed to dispose of an appeal.

(2) The clerk shall send a certified copy of the opinion or order, with the date of filing stamped on it, to each party and, in an appeal, to the court or tribunal from which the appeal was received. In criminal cases, the clerk shall provide an additional copy of any opinion or order disposing of an appeal or of any order denying leave to appeal to the defendant's lawyer, which the lawyer must promptly send to the defendant. An opinion or order is notice of the entry of judgment of the Court of Appeals.

(F) Execution and Enforcement.

(1) Routine Issuance. Unless otherwise ordered by the Court of Appeals or the Supreme Court or as otherwise provided by these rules,

(a) the Court of Appeals judgment is effective after the expiration of the time for filing an application for leave to appeal to the Supreme Court, or, if such an application is filed, after the disposition of the case by the Supreme Court;

(b) execution on the Court of Appeals judgment is to be obtained or enforcement proceedings had in the trial court or tribunal after the record has been returned (by the clerk under MCR 7.210[H] or by the Supreme Court clerk under MCR 7.310) with a certified copy of the court's judgment or, if a record was not transmitted to the Court of Appeals, after the time specified for return of the record had it been transmitted.

(2) Exceptional Issuance. The court may order that a judgment described in subrule (E) has immediate effect. The order does not prevent the filing of a motion for rehearing, but the filing of the motion does not stay execution or enforcement.

(3) Reissuance of Judgment or Order. Any party may request that an opinion or order be reissued with a new entry date by filing a letter with the Court of Appeals setting forth facts showing that the clerk or attorney failed to send the judgment or order as provided in subrule (E)(2).

The Court of Appeals will not reissue the opinion or order unless persuaded that it was not promptly sent as required and that the failure resulted in the party being precluded from timely filing a motion for reconsideration or an application for leave to appeal with the Supreme Court. Such request will be submitted to the Chief Judge for administrative decision, and the decision will be communicated by letter from the clerk.

(G) Entry, Issuance, Execution on, and Enforcement of All Other Orders. An order other than one described in subrule (E) is entered on the date of filing. The clerk must promptly send a certified copy to each party and to the trial court or tribunal. Unless otherwise stated, an order is effective on the date it is entered.

And that is why I was refused to generate a police report about the whole matter by the "Internal Affairs" - (I.A.) came down when I went to the front counter requesting a police report, I was held and confronted by I.A. and was refused adamantly refused a police report. And my question to you is why? Why was I refused a police report?

In conjunction with a Letter of Intent, my intent was to file the Letter of Intent with the Secretary of State in pursuit of everyone's Oath of Office which is the only recourse I can perceive while under this CSC Charge that was proven in the (Writ of Mandamus Extraordinaire) - archive.org/details/171022Documents1151/page/n1/mode/2up ; with Exhibitions filed in U.S. District Court against the immediately retired Hon.: George S. Buth P-11479 shortly after my conviction.